UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,475	03/13/2001	Scott Faber	04704P005	3558

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EXAMINER
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ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/808,475	FABER ET AL
	Examiner	Art Unit
	DANIEL LASTRA	3622

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 December 2003_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-40_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-40_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _12/15/03;08/23/01;_ ~~rʃ/16/01~~; ⁊ᵗ _06/01/01_.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-40 have been examined. Application 09/808,475 (APPARATUS AND

METHOD FOR RECRUITING, COMMUNICATING WITH, AND PAYING

PARTICIPANTS OF INTERACTIVE ADVERTISING) has a filing date 03/13/2001.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by De

Rafael et al (U.S. 6,529,878).

As per claim 1, De Rafael teaches:

A method comprising:

providing one or more interactive advertising links (see column 2, lines 10-27);

receiving, from one or more users, one or more selections for a selected advertising link from the one or more interactive advertising links (see column 2, lines 55-65);

establishing a communications link between the one or more users and an advertiser of the selected advertising link (see column 3, lines 1-27); and

compensating the one or more users based on various input provided to the advertiser during interaction there between via the communications link (see column 4, lines 25-30).

As per claim 2, De Rafael teaches:

The method of claim 1, further comprising:

receiving a request from an advertiser to establish an interactive advertising link (see column 4, lines 55-67); and

placing a link for an interactive advertisement among the one or more interactive advertising links (see column 4, lines 55-67).

As per claim 3, De Rafael teaches:

The method of claim 2, further comprising:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives (see column 7, lines 34-47).

As per claim 4, De Rafael teaches:

The method of claim 1, wherein the compensating the one or more users further comprises:

billing the advertiser a billing amount for each interaction with the one or more users and transferring the billing amount to the one or more users (see column 7, lines 34-46).

As per claim 5, De Rafael teaches:

The method of claim 4, wherein the billing the advertiser further comprises:

measuring a duration of the interaction between the one or more users and the advertiser and calculating the billing amount for the advertiser based on the duration of the interaction and a time-based price paid by the advertiser (see column 5, lines 34-46).

As per claim 6, De Rafael teaches:

The method of claim 1, wherein the one or more interactive advertisement links include one or more interactive public opinion polls, such that a user selecting a public opinion poll is compensated for providing his/her opinion and wherein the establishing the communications link further comprises:

providing a user that selected a public opinion poll link with an online questionnaire of the public opinion poll (see column 2, line 65 – column 3, line 15); and

once the user completes the questionnaire, transmitting the questionnaire to an advertiser of the public opinion poll link (see column 3, lines 29-46).

As per claim 7, De Rafael teaches:

The method of claim 1, wherein each selection from a user includes one or more of a category of advertisers, an advertiser payment price, advertiser type and advertisement (see column 6, lines 1-26).

As per claim 8, De Rafael teaches:

The method of claim 1, wherein

selections from the one or more users, the method further comprises:

receiving a request from a user for connection to an interactive advertisement system via a communications link (see column 6, lines 1-30);

establishing a connection between the user and the interactive advertisement system in order to provide the user with an interaction with a chosen advertiser, and providing the user with a list of the wide array of advertisement types available from the interactive advertisement system (see column 6, lines 1-28).

As per claim 9, De Rafael teaches:

The method of claim 1, wherein prior to the receiving the one or more interactive advertising links include one or more interactive seminar links and following selection of a selected interactive seminar by the one or more users, the establishing the communications link further comprises:

establishing a real-time video communications link between the one or more users and an advertiser of the selected interactive seminar (see column 1, lines 20-45);

providing additional incentive-based links to the one or more users to provide additional feedback (see column 3, lines 1-27); and

enabling the one or more users to purchase one or more items advertised by the interactive seminar (see column 7, lines 34-47).

As per claim 10, De Rafael teaches:

The method of claim 1, wherein following the establishing the communications link, the method further comprises:

providing additional incentive-based links to the one or more users to provide additional feedback (see column 7, lines 34-47); and

enabling the user to purchase one or more items advertised by the selected advertising link (see column 7, lines 34-47).

As per claim 11, De Rafael teaches:

The method of claim 1, wherein the compensating the one or more users further comprises:

enabling a user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product (see column 7, lines 33-47).

As per claim 12, De Rafael teaches:

The method of claim 11, further comprising:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product (see column 7, lines 33-47); and

transferring the predetermined amount to the advertiser (see column 7, lines 33-47).

As per claim 13, De Rafael teaches:

The method of claim 11, further comprising:

using a telephone as the communications link between the user and the advertiser of the selected advertising link (see column 1, lines 20-35).

As per claim 14, De Rafael teaches:

The method of claim 1, wherein providing the one or more interactive advertising links further comprises:

receiving, from an advertiser interface, a request to activate an interactive seminar included among the one or more interactive advertising links (see column 2, line 56 – column 3, line 27);

activating the seminar, such that one or more users can select and participate in the interactive seminar (see column 2, line 56 – column 3, line 27);

receiving, from the advertise interface, a request to de-activate the interactive seminar once the seminar is closed (see column 3, lines 1-15); and

de-activating the interactive seminar, such that additional users can no longer participate in the interactive seminar (see column 3, lines 1-15).

As per claim 15, De Rafael teaches:

The method of claim 1, wherein the establishing a communications link, further comprises:

providing the one or more users with a recorded version of the selected advertisement and enabling the one or more users to purchase one or more advertised products (see column 3, lines 15-27).

As per claim 16, De Rafael teaches:

A computer readable storage medium including program instruction that directs a computer to function in a specified manner when executed by a processor, the program instructions comprising:

providing one or more interactive advertising links;

receiving, from one or more users, one or more selections for a selected advertising link from the one or more interactive advertising links;

establishing a communications link between the one or more users and an advertiser of the selected advertising link; and

compensating the one or more users based on various input provided to the advertiser during interaction there between via the real-time communications link. Claim 16 contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 17, De Rafael teaches:

The computer readable storage medium of claim 16, further comprising:

receiving a request from an advertiser to establish an interactive advertising link; and

placing a link for an interactive advertisement among the one or more interactive advertising links. Claim 17 contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 18, De Rafael teaches:

The computer readable storage medium of claim 17, further comprising:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or

more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives. Claim 18 contains the same limitations as claim 3 therefore the same rejection is applied.

As per claim 19, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the instruction for compensating the user further comprises instructions of:

billing the advertiser a billing amount for each interaction with the one or more users; and

transferring the billing amount to the one or more users. Claim 19 contains the same limitations as claim 4 therefore the same rejection is applied.

As per claim 20, De Rafael teaches:

The computer readable storage medium of claim 19, wherein the billing the advertiser further comprises instructions of:

measuring a duration of the interaction between the one or more users and the advertiser; and

calculating the billing amount for the advertiser based on the duration of the interaction and a time-based price paid by the advertiser. Claim 20 contains the same limitations as claim 5 therefore the same rejection is applied.

As per claim 21, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the one or more interactive advertisement links include one or more interactive public opinion polls, such

that a user selecting a public opinion poll is compensated for providing his/her opinion and wherein the establishing the communications link further comprises instructions of:

providing a user that selected a public opinion poll link with an online questionnaire of the public opinion poll; and

once the user completes the questionnaire, transmitting the questionnaire to an advertiser of the public opinion link. Claim 21 contains the same limitations as claim 6 therefore the same rejection is applied.

As per claim 22, De Rafael teaches:

The computer readable storage medium of claim 16, wherein each selection from a user includes one or more of a category of advertisers, an advertiser payment price, advertiser type and advertisement. Claim 22 contains the same limitations as claim 7 therefore the same rejection is applied.

As per claim 23, De Rafael teaches:

The computer readable storage medium of claim 16, wherein prior to the instruction for receiving the one or more selections from the one or more users, the computer readable storage medium further comprises instructions of:

receiving a request from a user for connection to an interactive advertisement system via a communications link;

establishing a connection between the user and the interactive advertisement system in order to provide the user with an interaction with a chosen advertiser; and

providing the user with a list of the wide array of advertisement types available from the interactive advertisement system. Claim 23 contains the same limitations as claim 8 therefore the same rejection is applied.

As per claim 24, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the one or more interactive advertising links include one or more interactive seminar links and following selection of a selected interactive seminar by the one or more users, the establishing the communications link further comprises the instructions of:

establishing a real-time video communications link between the one or more users and a provider of the selected interactive seminar;

providing additional incentive-based links to the one or more users to provide additional feedback; and

enabling the one or more users to purchase one or more items advertised by the interactive seminar. Claim 24 contains the same limitations as claim 9 therefore the same rejection is applied.

As per claim 25, De Rafael teaches:

The computer readable storage medium of claim 16, wherein following the establishing a real-time communications link, the computer readable storage medium further includes instructions of:

providing additional incentive-based links to the one or more users to provide additional feedback; and

enabling the one or more users to purchase one or more items advertised by the selected interactive advertising link. Claim 25 contains the same limitations as claim 10 therefore the same rejection is applied.

As per claim 26, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the instruction for compensating the user further comprises instructions of:

enabling a user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product. Claim 26 contains the same limitations as claim 11 therefore the same rejection is applied.

As per claim 27, De Rafael teaches:

The computer readable storage medium of claim 16, further comprising the instructions of:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product; and

transferring the predetermined amount to the advertiser. Claim 27 contains the same limitations as claim 12 therefore the same rejection is applied.

As per claim 28, De Rafael teaches:

The computer readable storage medium of claim 16, further comprising the instructions of:

using a telephone as the communications link between the user and the advertiser of the selected advertising link. Claim 28 contains the same limitations as claim 13 therefore the same rejection is applied.

As per claim 29, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the method comprising providing one or more interactive advertising links further comprises:

receiving, from an advertiser interface, a request to activate an interactive seminar included among the one or more interactive advertising links;

activating the seminar such that one or more users can select and participate in the interactive seminar;

receiving, from the advertise interface, a request to de-activate the interactive seminar once the seminar is closed; and

de-activating the interactive seminar, such that additional users can no longer participate in the interactive seminar. Claim 29 contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 30, De Rafael teaches:

The computer readable storage medium of claim 16, wherein the establishing a communications link, further comprises:

providing the one or more users with a recorded version of the selected advertisement; and

enabling the one or more users to purchase one or more advertised products. Claim 30 contains the same limitations as claim 15 therefore the same rejection is applied.

As per claim 31, De Rafael teaches:

An online incentive-based advertising system comprising:

a user interface for receiving one or more selection requests from one or more users for an interactive advertisement from one or more interactive advertisement links stored in an advertisement database;

a processor to receive the one or more selection requests from the one or more users for a selected interactive advertisement from the user interface, and establish a communications link between the one or more users and a provider of the selected interactive advertisement for interaction via the communications link; and

a compensation procedure to compensate the user based on various input provided to the advertiser during interaction there between via the communications link. Claim 31 contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 32, De Rafael teaches:

The system of claim 31, wherein the user interface:

provides the user with a list of fields of advertisements, accepts a type of advertisements desired by the user, provides the user with a list of interactive advertisements stored in the advertisement database which match the type of advertisement desired by the user, and a receive the selection from the user for a

selected advertiser. Claim 32 contains the same limitations as claim 8 therefore the same rejection is applied.

As per claim 33, De Rafael teaches:

The system of claim 31, further comprising:

an advertiser interface for receiving a request from an advertiser to establish an interactive advertising link, and generate a record in the advertisement database, the record including provider information contained in the request. Claim 33 contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 34, De Rafael teaches:

The system of claim 33, wherein the provider information includes one or more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives. Claim 34 contains the same limitations as claim 3 therefore the same rejection is applied.

As per claim 35, De Rafael teaches:

The system of claim 31, wherein the communications link further comprises:

a public switched telephone network interface to connect the user to the advertiser of the selected advertisement. Claim 35 contains the same limitations as claim 13 therefore the same rejection is applied.

As per claim 36, De Rafael teaches:

The system of claim 31, wherein the communications link further comprises:

a wireless communications network interface to connect the user to the advertiser of the selected advertisement (see column 1, lines 20-29; column 2, lines 38-44).

As per claim 37, De Rafael teaches:

The system of claim 31, wherein the communications link further a video link to connect the user to the advertiser of the selected advertisement. Claim 37 contains the same limitations as claim 9 therefore the same rejection is applied.

As per claim 38, De Rafael teaches:

The system of claim 31, wherein the communications link further comprises:

a voice communication link to connect the user to the advertiser of the selected advertisement. Claim 38 contains the same limitations as claim 13 therefore the same rejection is applied.

As per claim 39, De Rafael teaches:

The system of claim 31, further comprising:

a banner advertisement link procedure to generate an interactive advertisement link as a web page banner advertisement of an advertiser web site (see column 1, lines 20-36).

As per claim 40, De Rafael teaches:

The system of claim 31, further comprising:

a banner advertisement link procedure to generate an interactive advertisement link as a web page banner advertisement of a search engine web site (see column 1, lines 20-36; column 6, lines 1-27).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Petrecca teaches a method for advertising on personal computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.
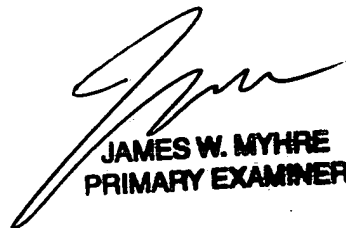
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra
August 30, 2004

JAMES W. MYHRE
PRIMARY EXAMINER